

MEMORANDUM

TO: Adams County Fire Officials
FROM: Sheriff Douglas N. Darr 
DATE: March 28, 2012
SUBJ: Enforcement of Ban on Open Burning in Unincorporated Adams County

The Sheriff's position as fire warden for his County obligates him to take charge of, control, and extinguish forest and prairie fires. **SEE CRS 18-8-101 (1) (2).** Effective at 0800 hours on March 28, 2012 I have declared a Fire Hazard Emergency Ban on open fires for all portions of unincorporated Adams County. The emergency ban was created because the fire danger in Adams County is extreme.

We have created a list of State statutes that may be used to enforce the emergency ban on open fires.

Penalties may be imposed for criminal acts which occur during a Sheriff's exercise of a governmental function. Most notable of the offenses which may occur is Obstructing Government Operations. Other offenses which may be applicable given the facts of the particular situation are also listed below:

- **Obstructing Government Operations, 18-8-102, CRS**

If a person uses violence, force or physical interference or obstacle or threatens to use any of these means, to hinder, impair or obstruct a governmental function, the person may be charged with this class 3 misdemeanor.

- **Firing Wood or Prairie, 18-13-109, CRS**

If any person knowingly or with criminal negligence sets, or causes to be set, a fire on any land but his own, he may be charged with this class two misdemeanor.

- **Unlawful Conduct on Public Property, 18-9-117, CRS**

If a person is on public property and violates the ban, he may be charged with this class 3 misdemeanor if:

A notice of the ban on open burning is "prominently posted at all public entrances to such property";

OR

The person violating the ban has been given actual notice of the ban, either verbally or in writing by a Sheriff, Undersheriff, or Deputy Sheriff.

- **Unlawfully Leaving an Unattended Fire, 33-15-106, CRS**

If a person is on land controlled by the Division of Parks and Outdoor Recreation and leaves a fire unattended, or builds a fire in violation of the rules or regulations of the Board of Parks and Outdoor Recreation, he may be charged with this unclassified misdemeanor.

- **Negligent Setting or Causing a Fire on Designated State Forest Lands, 36-7-201 (7), CRS**

If a person by his negligence sets or causes a fire on lands designated by the State of Board of Land Commissioners as State Forest Lands, he may be charged with this unclassified misdemeanor.

Additional Criminal violations that may apply depending upon the facts and circumstances of any incident include:

- **Disorderly Conduct, 18-9-106, CRS**
- **Obstructing a Peace Officer or Fireman, 18-8-104, CRS**
- **First Degree Arson, 18-4-102, CRS**
- **Second Degree Arson, 18-4-103, CRS**
- **Third Degree Arson, 18-4-104, CRS**
- **Fourth Degree Arson, 18-4-105, CRS**
- **Reckless Endangerment, 18-3-208, CRS**

If you have any questions or concerns, please contact Undersheriff Roger Engelsman at (303) 655-3213.